

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

NATURAL RESOURCES DEFENSE  
COUNCIL, CENTER FOR BIOLOGICAL  
DIVERSITY, HUMAN SOCIETY  
INTERNATIONAL, and HUMAN SOCIETY  
OF THE UNITED STATES,

Plaintiffs,

v.

DAVID BERNHARDT, in his official capacity  
as Secretary of the Interior, DEPARTMENT  
OF THE INTERIOR, U.S. FISH AND  
WILDLIFE SERVICE, and AURELIA  
SKIPWITH, in her official capacity as Director  
of the U.S. Fish and Wildlife Service,

Defendants.

Case No. 18-cv-6903 (AJN)

**NOTICE OF MOTION**

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law in Support of Defendants' Motion to Dismiss Pursuant to Rule 12(h)(3) and in Opposition to Plaintiffs' Motion for Summary Judgment, Declaration of Eric Alvarez, and Declaration of Douglas Hobbs, Defendants, by their attorney, Geoffrey S. Berman, United States Attorney for the Southern District of New York, hereby move this Court for an order dismissing Plaintiffs' claims pursuant to Rule 12(h)(3) of the Federal Rules of Civil Procedure.

PLEASE TAKE FURTHER NOTICE that pursuant to the Court's Order dated October 17, 2019, Dkt. No. 67, Plaintiffs' opposition to this motion (consolidated with their reply in support of their motion for summary judgment, Dkt. No. 73) is due on or before March 2, 2020, and Defendants' reply is due on or before March 17, 2020.

Dated: New York, New York  
February 7, 2020

GEOFFREY S. BERMAN  
United States Attorney for the  
Southern District of New York  
*Attorney for Defendants*

By: /s/ Jennifer Jude  
JENNIFER JUDE  
Assistant United States Attorney  
86 Chambers Street, Third Floor  
New York, New York 10007